



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 27-OCT-2020

ORM Number: POA-2020-00492 (IRHA, 3628 Hardluck Drive)

Associated JDs: N/A.

Review Area Location<sup>1</sup>: 3628 Hardluck Drive. Lot 16, Block 4, Spinach Creek Subdivision  
State/Territory: AK City: Fairbanks County/Parish/Borough: Fairbanks North Star Borough  
Center Coordinates of Review Area: Latitude 64.928891 N., Longitude -148.018014 W.

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)<sup>3</sup>

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
N/A	N/A	N/A	N/A

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: *Borough Plat of Subdivision (October 1973), site photos of the structure and the lot (February 2020), USEPA NEPA Assist webpage assessment (February 2020), FEMA FIRM panel, 0250090075F*  
This information (*is not*) sufficient for purposes of this AJD.

Rationale: *This was supplemented by the NWI and knowledge of the area, which is a south facing slope with FACU species in forest overstory.*

\_\_\_ Data sheets prepared by the Corps: *N/A.*

Photographs: *Google Earth, 1996, 2010, 2017. Also see above, information submitted.*

\_\_\_ Corps Site visit(s) conducted on: *N/A.*

\_\_\_ Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*

\_\_\_ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

\_\_\_ USDA NRCS Soil Survey: *Not necessary, upland hydrology and vegetation were established.*

USFWS NWI maps: *Tolovana watershed, HUC8 wetland map (accsd online October 2020)*

\_\_\_ USGS topographic maps: *Not necessary, aerials provided necessary topographic information.*

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** *N/A* or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

**C. Additional comments to support AJD:** *This parcel is completely in an upland. There is no wetland or water in, on or near it.*

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

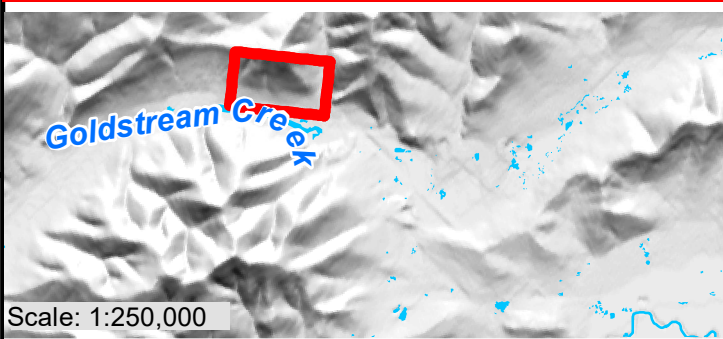
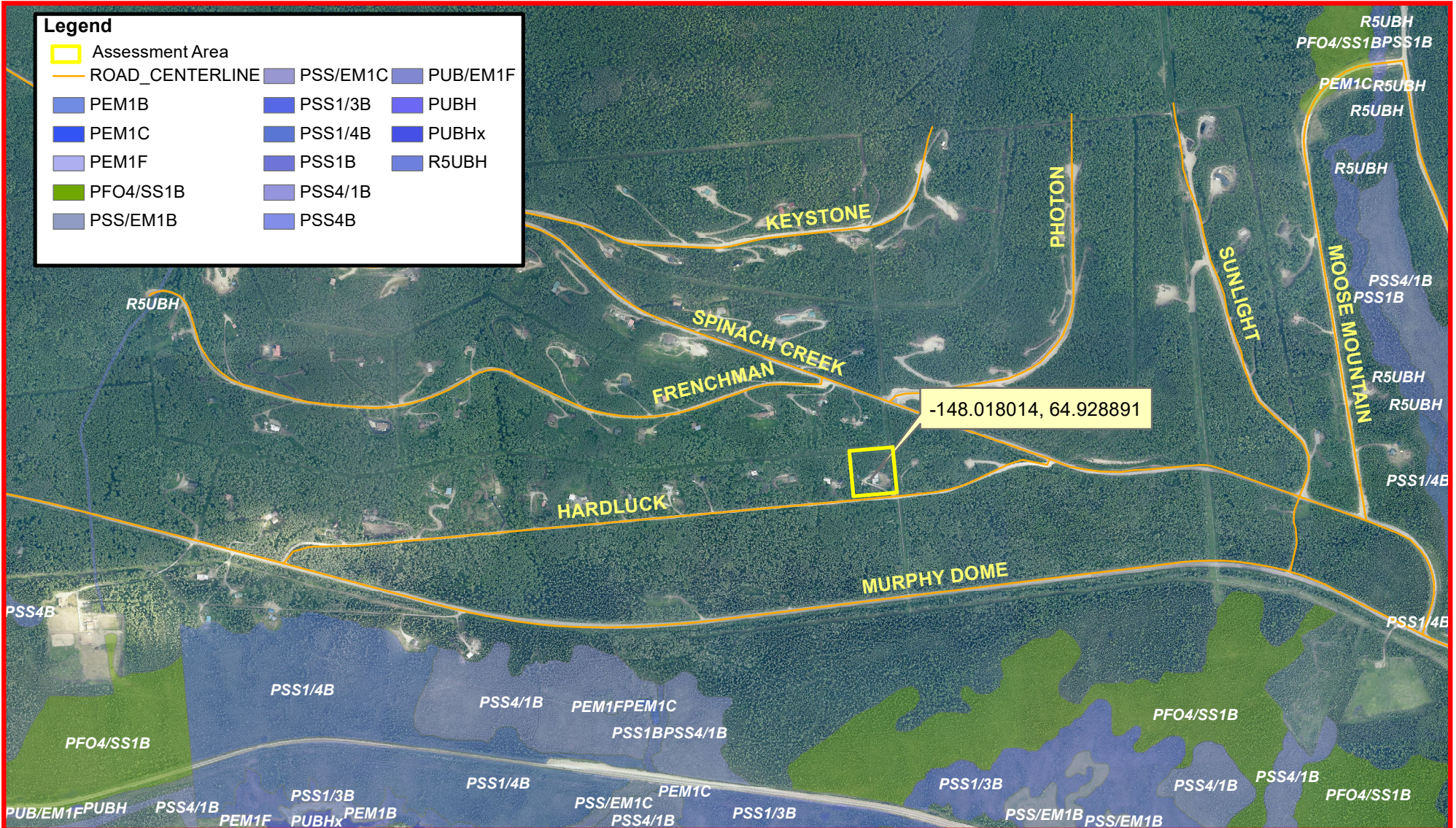
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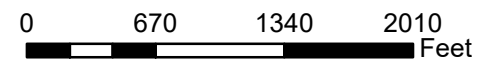
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**Legend**

- Assessment Area
- ROAD\_CENTERLINE
- PSS/EM1C
- PUB/EM1F
- PEM1B
- PSS1/3B
- PUBH
- PEM1C
- PSS1/4B
- PUBHx
- PEM1F
- PSS1B
- R5UBH
- PFO4/SS1B
- PSS4/1B
- PSS/EM1B
- PSS4B



USACE Regulatory, Alaska District  
 Fairbanks Field Office (907) 458-1602  
 Contact: amy.c.tippery@usace.army.mil  
 Citation: USFWS NWI (2014, accsd online 2020)  
 Imagery: Pictometry\_2012\_9in\_College.sid,  
 (FNSB 2012)  
 Scale: 1:12,000 Date:10/29/2020



**POA-2020-00492**  
**National Wetland**  
**Inventory, Tolovana**  
**River Watershed, HUC8-**  
**19080306**